THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24752 of 2007

Between:

P.Ramesh Babu.

.. PETITIONER

and

The Collector, Visakhapatnam.

.. RESPONDENT

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.24752 of 2007

-

ORDER:

It is the case of the petitioner that with regard to allotment of plot admeasuring 167 sq. yards in favour of one P.Srinivasa Rao, there was a dispute and the said P.Srinivasa Rao filed C.D.No.11 of 1999 before the Consumer Forum, Visakhapatnam, against M/s.Anantha Madhava Real Estates and Constructions, Visakhapatnam, of which, the petitioner is the Managing Director. The Consumer Forum by order, dated 04-12-1999, directed the said Company represented by the petitioner to refund a sum of Rs.11,750/- to the complainant along with interest at the rate of 24% per annum from 25-07-1996 till the date of realization and further directed to pay a sum of Rs.5,000/- as compensation and Rs.1,000/- as costs. For execution of the said order, the complainant filed P.P.No.61 of 2000. Pursuant to the order of the Consumer Forum, the petitioner was arrested and detained in the civil prison. As the P.P. order was confirmed by the State Forum, the petitioner filed W.P.No.10437 of 2005 before this Court questioning the order of the Consumer Forum as well as the State Forum. The Division Bench of this Court by order, dated 16-02-2006, allowed the writ petition quashing the orders of the District Forum as well as the State Forum, dated 14-07-2001 and 30-10-2001, as the action of the District Forum to secure confinement of the petitioner to civil prison in execution of the order, dated 14-07-2000 is declared as illegal and the petitioner was directed to be released forthwith. The Division Bench further directed the petitioner to surrender the passport, if any, issued by the Competent Authority and deposit the same with the District Magistrate, Visakhapatnam, within a period of seven days of his release in furtherance of the said order. The petitioner shall also furnish a written undertaking before the District Magistrate that he shall not leave the country without obtaining prior permission of this Court. It is stated that pursuant to the said order, the petitioner deposited passport with the District Collector, Visakhapatnam, within the prescribed time and thereafter the main execution proceedings in P.P.No.61 of 2000 in C.D.No.11 of 1999 on the file of Consumer Forum, Visakhapatnam, was dismissed on 13-12-2006, on the ground that the complainant was not representing inspite of adjourning the

matter. It is stated that no application has been filed to restore the said order and the said order has become final. Thereafter, the petitioner filed an application before the District Collector, Visakhapatnam, on 15-10-2007, for return of the passport deposited by him with the District Collector, Visakhapatnam. Accordingly, the District Collector, Visakhapatnam, passed an order in (M)R.C.No.1808/2007/C2, dated 18-10-2007, advising the petitioner to approach before this Court for release of the passport on the ground that the passport was deposited as per the orders of the High Court, but not as per the orders of the District Forum.

Admittedly, this court directed to deposit the passbook only with a view to ensure the presence of the petitioner before the Consumer Forum. As the P.P.No.61 of 2000 itself has been dismissed, if the presence of the petitioner is not required any more in the said execution proceedings, in C.D.No.11 of 1999, there cannot be any objection for release of the passport deposited by the petitioner with the District Collector, Visakhapatnam.

Accordingly, the writ petition is disposed of directing the respondent to release the passport of the petitioner, if the dismissal of P.P.No.61 of 2000 in C.D.No.11 of 1999, dated 13-12-2006, has become final and no appeal or restoration petition has been filed. There shall be no order as to costs.

_____

30-11-2007

Note:
Issue C.C. in one week
(B/o)
Prv